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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Islamic Republic of Iran

Addendum

1. After having finalized his report to the General Assembly at its forty-eighth session, the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran received a letter dated 27 October 1993 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, transmitting the replies of that Government to the allegations of human rights violations contained in his memorandum dated 20 September 1993 and reproduced in chapter III of the main part of his report. In accordance with the request formulated in the letter of the Permanent Representative, the replies of his Government are reproduced in the annex to the present report.

2. Moreover, by a letter dated 22 October 1993, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted to the Special Representative, pending replies to the allegations raised by him in his last report to the Commission on Human Rights, 1/ as well as information on measures of clemency granted to persons convicted of various offences, on the elections and on the problem of narcotic drugs and human rights; a list of those convicted by the High Disciplinary Court for Judges and a list of staff members of the Prisons Organization of the country accused of various offences under investigation.

3. By a further letter dated 25 October 1993, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted to the Special Representative a list in Persian of 174 pardoned prisoners previously sentenced to severe punishment for involvement in drug trafficking and robbery. The material provided in the communications of 22 and 25 October will be taken into account in the Special Representative's report to the Commission on Human Rights at its fiftieth session.

Notes

1/ E/CN.4/1993/41.

ANNEX

Letter dated 27 October 1993 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative on the situation of human rights in the Islamic Republic of Iran

With reference to your letter dated 20 September 1993, I have the honour to forward a collection of answers to your last memorandum, which has been fully investigated by the competent authorities in my country (see appendix).

As you are aware, it is not particularly convenient, at such a short notice, to give answers to all allegations of this kind, given the variety of issues involving various branches and departments in the Government.

Notwithstanding, the Government of the Islamic Republic of Iran has made every effort to reply to the greater part of the memorandum in the spirit of cooperation with the Special Representative of the Commission on Human Rights. Consequently, it would be appreciated if these answers and comments could be reflected in your report to the Third Committee of the General Assembly at its current session.

(Signed) Sirous NASSERI
Ambassador

APPENDIX

Response of the Government of the Islamic Republic of Iran to the interim report on the situation of human rights in the Islamic Republic of Iran*

A/48/526, paragraph 9

All human communities share the common viewpoint that capital punishment should be effected in cases of major crimes that are under no circumstances pardonable and that endanger the very fabric of society. In the light of the existence of different concerns in different societies, so far approximately 20 to 30 countries have eliminated "execution" from their penal codes while the remaining countries have preserved "execution" as a form of capital punishment in their penal codes. The use of execution is justified by Islamic thought, which commands the adherence of more than one billion Muslims in the world. In Islam, capital punishment is rooted in divine principles. This does not mean, however, that there are no requirements and provisions to be met before the offender is subjected to such punishment. There are strictly defined conditions that must exist before execution is used as a punitive measure. These conditions have been formulated within the Islamic framework of respect for human life. The most central of these requirements are fair adjudication, the completion of all phases of criminal rules of procedure and the issuance of the verdict based on relevant laws.

In Iran's penal code, the verdict of execution may be mitigated by first degree life imprisonment if there is a stay of execution from the Office of the Leader. The punishment in cases of premeditated murder is "retribution" (capital punishment), which will become non-enforceable when the victim's immediate relatives do not insist on the execution of the convicted murderer and decide to pardon him/her. The Holy Koran encourages the victim's immediate relatives to pardon the convict. In cases of premeditated murder, following the pardon granted by the victim's immediate relatives, the court sentences the convict to prison in order to protect the society. The categories of crime punishable by execution are consistently becoming fewer in Iran. It must be borne in mind that manslaughter is not punishable by execution.

Paragraph 37

Opposition to the Government and its objectives is not considered anti-revolutionary and therefore criminal activity. Only those crimes committed by armed opposition groups using terrorist tactics, which lead to the killing of civilians and military personnel and are carried out with the intention of creating tension and fear in society, are punished in accordance with Iran's penal code. Again, even in these cases, pardon granted by the victim's immediate relatives leads to referral of such cases to the Commission of Pardons and Amnesty.

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* A/48/526.

Paragraph 36

The law protecting the right of parties to litigation to be represented by an attorney is strictly adhered to by the judiciary and the revolutionary courts of the country. Violations of the rules of the law governing the right to counsel are processed and adjudicated by the High Court Judges Discipline. In this connection, the High Court found 17 judges guilty of such violations during the past year. The names of these individuals had previously been submitted to the Centre for Human Rights.

Paragraph 10

Smugglers, who make heavy profits at the expense of the innocent youth whom they corrupt, use the most advanced weapons and military technology to do so. They should be dealt with firmly at the national and international levels. The United Nations Commission on Narcotic Drugs has endorsed the way in which the Islamic Republic of Iran deals with smugglers and has supported the measures taken by this country in confronting this issue. Iran's penal code decrees execution as the appropriate punishment for the possession and trafficking of specified volumes of illegal drugs. The defendant's criminal record is usually considered before a case is decided. Yet the arrest of a person accused of smuggling illegal drugs does not mean that he will not be entitled to all the protective guarantees of due process of law. The decision of the court will be carried out only when all legal procedures have been exhausted. (The detailed report on trafficking in illicit drugs, the dimensions of this problem, and its adverse effect on the Islamic Republic of Iran has been submitted to the Centre for Human Rights.)

Paragraph 11

To date, no such individual has been arrested. This allegation is denied.

Paragraph 12

In 1992, no such individual was executed in Orumiyeh.

Paragraph 13

This allegation is confirmed. Refer to attachment 1.

Paragraph 14, first sentence

This allegation was also raised by the Special Representative and was investigated at the time. It has been reinvestigated and it is denied.

Paragraph 14, second and third sentences

This allegation is confirmed. Refer to attachment 2.

Paragraph 60

This allegation is denied. Punishment is meted out only by competent courts and when, on the basis of due process of law, charges have been proven.

It must be added that within the framework of Iran's penal laws, such an act constitutes premeditated murder and is to be pursued by penal authorities. To date, a number of those who have murdered their daughters have been pursued and punished accordingly. The Islamic Republic of Iran will investigate any reported instances of such crimes.

Paragraph 15, first three sentences

Investigations have led to the conclusion that no such person has been detained by judicial or police authorities, and the allegation that he was sentenced to death is denied.

Paragraph 15, third and fourth sentences

Salim Sabernia and Seyyed Mostafa Ghaderi are members of the Komeleh group. They were arrested last year during a military altercation in the heights of the north-western border of the country. During their detention, the two men confessed to the murders of several villagers and to terrorizing civilians from whom they demanded money to finance the activities of Komeleh. They also confessed to blowing up several tractors and other vehicles. These two are currently under investigation, and they are both represented by defence attorneys.

Paragraph 16

Mr. Mkhoubat is a spy for the Zionist regime. He was involved in activities geared to forming an intelligence espionage network gathering information for Israel. He also engaged in collecting and transferring funds to Israel. He is currently under investigation and enjoys good health. He also has a defence attorney.

Paragraph 17

The accuracy of this allegation is denied. Hojjat-ul-Islam Mahmoudi states that he has never expressed such opinions during his address to the prayer congregation.

Paragraph 18

This paragraph distorts the statements of this individual, who denies the accuracy of the statements as quoted.

Paragraph 20

The Embassy of the Islamic Republic of Iran in Germany has publicly denounced the murder of those four Iranians in question. Currently, the German authorities, with the cooperation of Iranian authorities, are pursuing the case and are searching for relevant evidence to apprehend the murderer(s).

Paragraph 21

In response to this paragraph, it should be noted that the Iranian Government is cooperating with the Turkish Government regarding the murder of

Mr. Ghorbani. It is likely that Ghorbani was assassinated by the Mojahedeen-e-Khalq organization. According to some of the members of this organization, he had dissented and left the organization after the latter's wide-ranging collaboration with the Iraqi regime to suppress Iraqi people.

Paragraph 22, first two sentences

In response to the request made by the family of the murder victim, the Embassy of the Islamic Republic of Iran in Pakistan has placed the pursuit of this issue on its agenda.

Paragraph 22, fourth through last sentences

The Government of Iran has no information on the circumstances of the death of the person in question. This person was formerly a member of the Mojahedeen-e-Khalq organization. Recently he is known to have distributed several communications taking a stance against the organization because of its collaboration with Saddam and the Iraqi regime in suppressing the people of Iraq. He protested the organization's intelligence gathering for Iraq to the detriment of Iranian people. It is believed that this organization engages in the assassination of its former members who have expressed opposing views to preserve itself and to undermine Iran's relationship with European countries. The Iranian Government has communicated to the Italian Government its willingness to follow the matter.

Paragraph 23

Mr. Nouri, the previous Minister of Interior, states that the sentences quoted are distortions of statements he made. He asserts that even though violence should not be answered with violence, those who have tainted their hands with the blood of innocent people, committed unconscionable crimes and engaged in terrorism, and would one day encounter terrorism of their own kind. He cited these examples as cases of historic victory.

Paragraph 24

The Iranian Government, in its last initiative to pursue this matter, requested some crucial information from the judge, Ronald Chatelain, who, despite his promise to the contrary, has not submitted this information to the Embassy of Iran in Berne.

Paragraph 27, first two sentences

This person has not been identified. The necessary steps to cooperate with the Turkish Government are currently under way.

Paragraph 27, third through last sentences

These persons have no criminal records in the judicial courts, and neither the judicial nor the police authorities have arrested any such persons.

Paragraph 29

This allegation is denied.

Paragraphs 30 to 38

Because responses to these allegations require investigation and thorough research, we request more time to complete our inquiries and coordinate a response through the Centre for Human Rights, which will in turn communicate with the Special Representative.

Paragraphs 39 and 40

In connection with paragraphs 39 and 40, it must be stated that televised confessions by Messrs. Abdollah Baqeri, Tofiq Alyassi and Ali Mozzaffarian took place with their consent. These confessions were aimed at informing people of the terrorist and destructive activities of anti-revolutionary groups. The court did not use these confessions as evidence in the trials.

Paragraph 41

Mr. Jalaleddin Farsi was tried in a public court attended by reporters. He was exonerated of the charge of the premeditated murder of Mr. Mohammad Rezakhani, and the judge found him guilty of manslaughter. But, because of an appeal by the Tehran Public Prosecutor and by the immediate relatives of the victim, the case has been forwarded to the National Supreme Court. No final decision has yet been made.

Paragraph 42

This allegation is denied. This report is unrealistic because, in reality, arrests take place on the orders of judicial authorities. If there is evidence to the contrary, it should be presented. It should be noted that ravines in which there is a likelihood of drug trafficking, members of the police force inspect vehicles reported as suspected carriers of narcotic drugs. These inspections are authorized by judicial authorities. Adherence to Islamic conduct and respect for others are the guiding principles for the police force. The Basijis have not made and do not make any arrests.

Paragraph 43

This allegation is denied.

Paragraph 44

The report regarding the release of 1,000 prisoners-of-war on that specific occasion is confirmed. However, the allegation that follows is denied.

Paragraph 45

The intention of the official concerned is achieving an "ideal environment". Prison authorities try to maintain optimum international standards in prison conditions and improve any shortcomings.

Paragraph 47

Modest attire and appearance in public is an Islamic requirement for both men and women. Those violating this norm may be stopped and discreetly counselled. The cases mentioned in paragraph 47 are also of this nature.

Paragraph 48

Such a plan has still not been implemented.

Paragraphs 49 and 113

According to article 26 of the Media Law, to desecrate Islamic law is considered a media violation. Revoking a publication's licence is within the jurisdiction of the courts as stated in the Media Law.

Paragraph 114

Firstly, the Director of Farad was summoned to court because of violations of item 27 of the Media Law, as well as several complaints against him. His case was investigated. Secondly, this person is currently free and not under arrest. Thirdly, the resolution of all media litigation takes place within the framework of law and lies within the jurisdiction of the judicial branch. Media litigation cases are heard in the presence of a jury; this method is used consistently throughout the country. Any media outlet in violation of the law is investigated accordingly.

Paragraph 115

Following this magazine's interview with Mr. Bazargan and the discussion of issues related to the sacred eight-year defence and relations with the United States, a number of families of martyrs and fighters rallied near the offices of the publication to protest the printing of words that caused them emotional distress. That this magazine has so far been published with no interference invalidates the allegation. It proves that those overseeing the country's media conduct themselves in accordance with the law and do not represent sectarian interests.

Paragraph 117, first sentence

First of all, the publication entitled "Northern Voice" is currently being printed. Secondly, item 28 of the Media Law prohibits printing photographs violating public decency. This is in keeping with peoples' desire to preserve a society untouched by common and corrupt values, which, even in the West, have aroused the outcry of many intellectuals and community organizations. Refer to attachment 3.

Paragraphs 116 and 117, second through final sentences

The information in paragraph 116 and the second part of paragraph 117 is accurate. Article 30 of the Media Law prohibits any printed material that includes slander and accusation. The responsible party is, in these cases, summoned to court for investigation. It is a matter of pride for Iran that even

the highest judicial authority must file a complaint against a publication like all other citizens.

Paragraph 59, first sentence

According to Islamic law, women must ask for their husband's permission to travel. This is based on the assumption that by consenting to marry, the woman has agreed to this condition. On the other hand, if at the time of marriage, both parties agree to behave differently, the details should be specifically defined on the certificate of marriage.

Paragraph 59, second sentence

This allegation is unrealistic.

Paragraph 59, third sentence

This allegation is denied.

Paragraph 59, fourth sentence

This is one of the primary principles of Islam corroborated in the Koran. The Civil Law is based on this principle.

Paragraph 61

The statement made by this person was not quoted in its entirety.

Paragraph 62

This allegation is denied.

Paragraph 63

This allegation is denied. These actions are in violation of the country's laws, and those guilty of committing such actions will be investigated under the rules of law.

Paragraph 64, first two sentences

The accuracy of this allegation is denied. Such initiatives are in violation of the country's laws, and the judicial authorities deal decisively with anyone responsible for such violations.

Paragraph 64, third through final sentences

This issue has been distorted. The speaker made statements before and after these sentences that prove their meaning to be different from what has been alleged. Besides, those arrested simply received counselling at the Office for Combating Corruption, and then they were freed. Nowhere in the law is there a punishment decreed for the use of sunglasses.

Paragraph 65

This allegation is denied.

Paragraph 66

Firstly, this issue was distorted, and statements by the speaker before and after these sentences disprove the alleged meaning. Secondly, the Basijis do not have the right to arrest individuals, and the statements of an irresponsible party do not bestow such authority upon Basiji forces.

Paragraph 69

This case is being investigated.

Paragraph 70

This allegation is denied.

Paragraph 71

This allegation is denied.

Paragraph 72

Instituting laws and making decisions in this connection are the prerogatives of the legislative branch of the Government.

Paragraph 50

The allegation of harassment is denied. All those who do not disturb public peace and order may conduct their ceremonies. Execution of individuals takes place based on final sentencing by judicial courts, which determine that the crime deserving such punishment has been committed. Nobody is pursued and persecuted because of their beliefs. Explanations about Bahman Samandari have previously been offered.

Paragraph 54

According to letter No. 10/29455 dated 25 September 1993, the municipal authorities in Tehran declared 103 cemeteries located in the city hazardous to public health and the environment. Of these cemeteries, 100 belonged to Muslims, one to Armenians, one to Jews, and one to Baha'is. All of these cemeteries will be converted to public parks for use by all sectors of society. Tehran's municipal authorities have assigned suitable alternative lands for cemeteries where the dead may be buried. The Baha'is' cemetery is located at Khavaran Street in the centre of Tehran, adjacent to the Armenians' cemetery, and it has been an abandoned cemetery since 1978. Since that year, nobody has been buried there. This cemetery was levelled according to a municipal directive which ordered the conversion of a total of 103 cemeteries. In view of the fact that corpses disintegrate completely with the passing of decades and cannot be transferred to other grounds, this allegation is firmly denied. The adjacent Armenians' cemetery was also abandoned and converted to a park. To

preserve citizens' health and the environment, the municipal authorities provided alternative lots to be used for cemeteries.

Paragraph 55

Depriving people of the rights of ownership of property contravenes the Constitution and all relevant laws. However, in some cases, property is confiscated by judicial authorities as a means of repaying debts to banks or to other individuals. This method is a universal method of debt repayment. The full investigation of this allegation will require more detailed specifics about the individuals in question, the court that confiscated property, and the dates and locations of the incidents.

The part of the allegation related to the Province of Yazd is denied. The Baha'is in that province engage in daily economic and commercial activities without any interference. To investigate the other parts of the allegation, more information and detail are required. The absence of any specific information on the identity of the individual makes the pursuit of this matter for further verification difficult. Specific information on this individual should be presented to allow us to address the matter.

Paragraph 56

The allegation that 10,000 Baha'is were dismissed from government positions is baseless. The right to fire individuals according to guidelines provided by the Ministry of Labour and Social Affairs has been bestowed upon supervisors. Workers of all ethnic groups or religions may be fired within the framework of these guidelines. The Government plays no role in such cases of termination of employment, and individuals have the right to file a complaint with the Commission on Conflict Resolution or ultimately with the Tribunal of Administrative Justice. The allegation that salaries and benefits were not paid is also denied. The Organization of Employment Affairs of Iran has announced that the salaries and benefits of all Baha'i retirees are paid without any restrictions. If the salary of any citizen has not been paid because he is Baha'i, the case will be investigated if specific information on the person is received.

Paragraph 119

The Islamic Penal Code on blood money applies to all citizens without exception, and the blood money paid for the victim belongs to the immediate relatives. Concerning this allegation, should specific and complete information concerning parties to this litigation and the case number be submitted, the necessary inquiry and investigation will take place.

Paragraphs 50 to 58

Paragraphs 50 to 58 are related to Baha'is and are repetitive. These have been answered previously.

Paragraph 75

In Sistan and Baluchistan, there have been no altercations due to ethnicity or ideology between the Government and the Baluchis or other traditional groups. The Islamic Government regard the rights of Sunnis as highly as it does the rights of Shiites. The altercations in the area were between military forces and drug traffickers who intend to smuggle thousands of tons of narcotics through Iran into Europe each year. These circumstances are due to the fact that Iran is adjacent to the area of the Golden Belt, the major source of production and export of narcotics in the Middle East.

Paragraph 76

This allegation is denied. It is necessary to explain that the Kurdish Democratic Party of Iran has so far murdered hundreds of citizens and destroyed residences in the north-western areas of the country through savage acts that have made these areas insecure. This Party's activities are illegal, and it is based in Iraq. Its collaboration with Iraqi intelligence agencies and its quest to establish an independent Kurdish regime through disorder, murder and plundering have left behind a dark and gruesome record over the last 13 years. An investigation of this Party's terrorist crimes found out that more than 16,550 Kurds of Iran have been killed by members of this Party, 1,290 tractors and other equipment owned by villagers were set ablaze, 5,620 residential units were destroyed and their residents became vagrants in the mountains. Also, to date, more than 250 renegade ex-members of this Party who sought asylum in Iran have been murdered by the Kurdish Democratic Party. In conclusion, the Islamic Republic of Iran declares that it will persist in its old policy of granting pardon to members of this anti-revolutionary and terrorist group.

Paragraph 77

This allegation is denied.

Paragraphs 73 and 74

The activities of groups opposing the Islamic Republic of Iran originate in Iraqi territory and take place with the support of the Iraqi Government. These activities have led to the deaths of tens of people and injury to defenceless villagers at the borders. Based on the Charter of the United Nations and the principle of self-defence and the protection of citizens of border areas, the Islamic Republic of Iran deems it her legitimate right to take the necessary and appropriate steps to deal with terrorist acts in these areas.

Paragraph 67

The issues covered by the newspaper Salaam have been distorted. This newspaper presented statistics on the numbers of the country's students and the rate of population growth to argue that if attention is not paid to this issue, in the coming decade one million children are likely to remain illiterate. The newspaper makes specific suggestions to deal with the situation.

Paragraph 68

In connection with this allegation, those responsible at the Ministry of Education investigated the case, fired the delinquent party from his post and referred the complaint by the parents of the student and all related documents to the courts for adjudication of the case.

ATTACHMENT 1

Extract from page 15 of the newspaper "Keyhan" of 21 April 1993

"FOUR MEMBERS OF A GANG OF ARMED ROBBERS WERE HANGED IN SIRJAN

"Four key members of a 10-member band of armed robbers were hanged in Sirjan. The names of those hanged are: Dianat Aghabaigi (band leader), son of Mohammad, a.k.a. Haj Rassol Naroui (nephew of Abbas Naroui); Majid Khajoui, son of Shokrollahi; Ali Aghabaigi, son of Mozzaffar; and Mohammad Eftekhari, son of Seifollah. Six other people were arrested with these four.

"Ranjbar, Sirjan's Public Prosecutor, said, 'The decree to execute these four was issued and submitted to the country's Supreme Court for approval. Following this approval, the four men were hanged on prison grounds.' He added, 'Three other band members also received 15-year prison sentences.' The cases of the other defendants are still under investigation. These individuals are accused of crimes ranging from kidnapping to terrorizing civilians.

"Ranjbar commented on the band leader, Dianat Aghabaigi, 'This individual was the leader of the band and also committed five cases of armed robbery at area residences. These included three cases of car theft and three instances of theft of household goods and cash. He also committed armed robberies and kidnappings on Bandar Abbas Road and set fire to two cars. He had two Kalashnikov guns in his possession.'

"Majid Khajoui, son of Shokrollahi, also committed four armed robberies on the Sirjan-Bandar Abbas Road, and took part in setting fire to a stolen Reykan vehicle. He, too, had unlicensed weapons in his possession.

"Ali Aghabaigi, son of Mozzaffar, was convicted of membership in and conspiring to form the band. He committed four armed robberies at residential units and three robberies on the roads in the area. He also was charged with kidnapping and possession of weapons.

"Mahmoud Eftekhari, son of Seifollah, was convicted of membership in and conspiring to form the band. He committed three robberies at residential units, three robberies on the Sirjan-Banda Abbas Road, and kidnapping. He also had illegal weapons in his possession.

"The Public Prosecutor of Sirjan concluded, 'The band stole cars and turned them over to criminals in the vicinity of Kerman and Jiroft in return for weapons and drugs. This band planned to expand its membership and accumulate large weapon caches. Fortunately, it was intercepted as a result of the vigilance of the local police force.'"

ATTACHMENT 2

Extract from page 5 of the newspaper "Resalat" of 11 August 1993

"A MURDERER WAS HANGED IN MASHHAD

"A man who had murdered his second wife was hanged on the grounds of Mashhad prison following the verdict of the Criminal Court.

"Three years and five months ago, 36-year-old Ramezan Ahamdi (murderer) killed his second wife, Masoumeh Ebrahimpai, who was eight months' pregnant. The murderer was hanged following the approval of the verdict by the National Supreme Court. The murderer's first wife was also sentenced to five years in prison because of her collusion with the murderer and her effort to conceal the crime.

"Another defendant, charged with adultery, was also condemned to death. He was executed on the grounds of Mashhad Prison."

ATTACHMENT 3

Extract from page 2 of the newspaper "Keyhan" of 18 January 1993

"NORTHERN VOICE WEEKLY CLOSED

"Rasht-Jomhouriye Eslami

"Northern Voice Weekly was closed after printing the photograph of a half nude actress.

"Akhavan, the Assistant Director of the Office of Culture and Islamic Guidance of Gilan Province said: 'This weekly was closed at the request of its publisher after it printed this photograph in its section on cinema. There was no intent on the part of the publisher and the editor of the "cinema" section was fired for negligence. The weekly will make a formal public apology in the next issue.'

"Akhavan reiterated that the issue has been referred to the Ministry of Culture and Islamic Guidance, and a final decision will be made after investigations in Gilan."